

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TONY HOBSON,

Petitioner,

V.

JERRY HOWELL, et al.,

## Respondents.

Case No. 2:20-cv-00503-KJD-NJK

## ORDER

12 This action is a petition for writ of habeas corpus by Tony Hobson, a Nevada  
13 prisoner. The Court appointed counsel for Hobson (ECF No. 6), and, with counsel,  
14 Hobson filed an amended habeas petition (ECF No. 12) on October 1, 2020. On that  
15 date, Hobson also filed a motion for leave to file a second amended petition (ECF  
16 No.14).

17 Hobson explains, in his motion for leave to amend, that he filed the first amended  
18 petition as a protective petition, in case there is an argument that the applicable  
19 limitations period for his petition expired on October 2, but he needs time to further  
20 investigate his claims and file a second amended petition fully setting forth his claims.

21       Federal Rule of Civil Procedure 15(a)(2) instructs that a court “should freely give  
22 leave [to amend] when justice so requires. Fed.R.Civ.P 15(a)(2). Here, Respondents  
23 have not yet responded to either Hobson’s original or first amended petition, and there  
24 is no reason to believe they would be unfairly prejudiced by a further amendment of the  
25 petition. Hobson demonstrates good cause for his request for leave to further amend.  
26 The Court will grant the motion.

27 The Court will waive Local Rule LR 15-1(a), which generally requires a party  
28 requesting leave to amend a pleading to attach a copy of the proposed amended

1 pleading to the motion. Under the circumstances, compliance with that rule would be  
2 impracticable.

3 Respondents will not be required to respond to Hobson's first amended habeas  
4 petition (ECF No. 12), as that pleading will be superseded.

5 In granting Hobson's motion for leave to amend his petition, the Court does not  
6 intend to extend any applicable limitations period, or otherwise affect in any manner the  
7 operation of any applicable statute of limitations.

8 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File Second  
9 Amended Petition (ECF No. 14) is **GRANTED**. Petitioner will have until and including  
10 **December 4, 2020**, to file a second amended petition for writ of habeas corpus.  
11 Respondents will not be required to respond to Petitioner's first amended habeas  
12 petition (ECF No. 12). In all other respects, the schedule for further proceedings set  
13 forth in the order entered July 15, 2020 (ECF No. 11) will remain in effect (Respondents  
14 will have 60 days to respond to the second amended petition).

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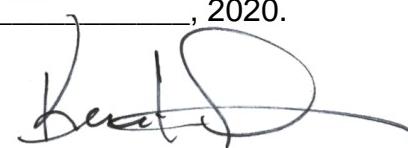
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DATED THIS 6 day of October, 2020.

  
KENT J. DAWSON,  
UNITED STATES DISTRICT JUDGE